

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-SIXTH GENERAL ASSEMBLY

44TH LEGISLATIVE DAY

REGULAR & PERFUNCTORY SESSION

THURSDAY, APRIL 23, 2009

12:10 O'CLOCK P.M.

HOUSE OF REPRESENTATIVES
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The House met pursuant to adjournment.

Representative Lyons in the chair.

Prayer by Reverend Luis Rivera, who is the Pastor of the Church of the Apostolic Road in Capron, IL.

Representative Zalewski led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

112 present. (ROLL CALL 1)

By unanimous consent, Representatives Collins, Dugan, Careen Gordon, Harris, Mulligan and Osterman were excused from attendance.

REPORTS

The Clerk of the House acknowledges receipt of the following correspondence:

Notification of a Breach of Security, submitted by Department of Human Services on April 22, 2009.

Notification of a Breach of Security, submitted by Department of Human Services on April 23, 2009.

Compliance Examination of Illinois State Board of Education, submitted by Office of the Auditor General on April 23, 2009.

Financial Audit of Northern Illinois University, submitted by Office of the Auditor General on April 23, 2009.

Report required under Government Auditing Standards for Northern Illinois University, submitted by Office of the Auditor General on April 23, 2009.

Compliance Examination of the Teachers' Retirement System, submitted by Office of the Auditor General on April 23, 2009.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Thapedi replaced Representative Collins in the Committee on Judiciary II - Criminal Law on April 23, 2009.

REPORT FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken on April 23, 2009, reported the same back with the following recommendations:

LEGISLATIVE MEASURES REASSIGNED TO COMMITTEE:

SENATE BILL 69 was recalled from the Committee on Executive and reassigned to the Committee on Health Care Licenses.

SENATE BILL 81 was recalled from the Committee on Executive and reassigned to the Committee on Revenue & Finance.

SENATE BILL 290 was recalled from the Committee on Executive and reassigned to the Committee on Health Care Licenses.

SENATE BILL 326 was recalled from the Committee on Executive and reassigned to the Committee on Aging.

SENATE BILL 1413 was recalled from the Committee on Executive and reassigned to the Committee on Agriculture & Conservation.

SENATE BILL 1433 was recalled from the Committee on Executive and reassigned to the Committee on State Government Administration.

SENATE BILL 1444 was recalled from the Committee on Executive and reassigned to the Committee on Health Care Licenses.

SENATE BILL 1497 was recalled from the Committee on Executive and reassigned to the Committee on Human Services.

SENATE BILL 1579 was recalled from the Committee on Executive and reassigned to the Committee on Business & Occupational Licenses.

SENATE BILL 1665 was recalled from the Committee on Executive and reassigned to the Committee on Elementary & Secondary Education.

SENATE BILL 1813 was recalled from the Committee on Executive and reassigned to the Committee on Judiciary II - Criminal Law.

SENATE BILL 2069 was recalled from the Committee on Executive and reassigned to the Committee on Revenue & Finance.

The committee roll call vote on the foregoing Legislative Measures is as follows:

4, Yeas; 0, Nays; 0, Answering Present.

Y Currie(D), Chairperson

Y Lang(D)

Y Turner(D)

Y Black(R), Republican Spokesperson

A Schmitz(R)

REPORTS FROM STANDING COMMITTEES

Representative Verschoore, Chairperson, from the Committee on Counties & Townships to which the following were referred, action taken on April 23, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 1379 and 1527.

The committee roll call vote on Senate Bill 1527 is as follows:

6, Yeas; 0, Nays; 0, Answering Present.

Y Verschoore(D), Chairperson

Y Ramey(R), Republican Spokesperson

A Mitchell, Bill(R)

A Reitz(D)

Y Rita(D)

Y Zalewski(D), Vice-Chairperson

Y Hatcher(R)

Y Moffitt(R)

A Riley(D)

The committee roll call vote on Senate Bill 1379 is as follows:

6, Yeas; 0, Nays; 0, Answering Present.

Y Verschoore(D), Chairperson

Y Ramey(R), Republican Spokesperson

A Mitchell, Bill(R)

A Reitz(D)

A Rita(D)

Y Zalewski(D), Vice-Chairperson

Y Hatcher(R)

Y Moffitt(R)

Y Riley(D)

Representative Howard, Chairperson, from the Committee on Judiciary II - Criminal Law to which the following were referred, action taken on April 23, 2009, reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILLS 42, 62, 211, 243, 1708, 1710 and 1818.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 145.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE JOINT RESOLUTION 24.

The committee roll call vote on Senate Bills 42, 62, 145, 211, 243, 1708, 1710, 1818 and House Joint Resolution 24 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

Y Howard(D), Chairperson

Y Reboletti(R), Republican Spokesperson

Y McAsey(D)

Y Wait(R)

Y Thapedi(D) (replacing Collins)

Y Golar(D)

Y Sacia(R)

MOTIONS SUBMITTED

Representative Smith submitted the following written motion, which was placed on the Calendar on the order of Motions in Writing:

MOTION

Pursuant to Rule 25, I move to suspend the posting requirements of Rule 21 in relation to HOUSE RESOLUTION 219 to be heard in Labor Committee.

REQUEST FOR FISCAL NOTE

Representative Pritchard requested that a Fiscal Note be supplied for SENATE BILL 1624.

MESSAGES FROM THE SENATE

A message from the Senate by

Ms. Rock, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE BILL NO. 149

A bill for AN ACT concerning regulation.

SENATE BILL NO. 591

A bill for AN ACT concerning local government.

SENATE BILL NO. 1716

A bill for AN ACT concerning civil law.

SENATE BILL NO. 2009

A bill for AN ACT concerning education.

Passed by the Senate, April 23, 2009.

Jillayne Rock, Secretary of the Senate

The foregoing SENATE BILLS 149, 591, 1716 and 2009 were ordered reproduced and placed on the order of Senate Bills - First Reading.

A message from the Senate by

Ms. Rock, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 49

Concurred in the Senate, April 23, 2009.

Jillayne Rock, Secretary of the Senate

A message from the Senate by
Ms. Rock, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 366

A bill for AN ACT concerning State government.
House Amendment No. 1 to SENATE BILL NO. 366.
House Amendment No. 2 to SENATE BILL NO. 366.
Action taken by the Senate, April 23, 2009.

Jillayne Rock, Secretary of the Senate

CHANGE OF SPONSORSHIP

With the consent of the affected members, Representative Hoffman was removed as principal sponsor, and Representative Mautino became the new principal sponsor of SENATE BILL 1611.

With the consent of the affected members, Representative Black was removed as principal sponsor, and Representative Mautino became the new principal sponsor of SENATE BILL 1912.

With the consent of the affected members, Representative Riley was removed as principal sponsor, and Representative Colvin became the new principal sponsor of SENATE BILL 267.

With the consent of the affected members, Representative Reis was removed as principal sponsor, and Representative Winters became the new principal sponsor of SENATE BILL 1595.

HOUSE RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 294

Offered by Representative Currie:

WHEREAS, The Chicago Area Project was established in 1934 as a model for juvenile delinquency prevention and to provide youth and community services; and

WHEREAS, The effectiveness of the Chicago Area Project model has been recognized by the State of Illinois and replicated in many communities throughout the State; and

WHEREAS, Area Projects have formed the Illinois Council of Area Projects; and

WHEREAS, Services and after-school programs operated by community-based organizations provide opportunities and experiences for our youth that have a positive impact on their development; and

WHEREAS, Chicago Area Project and the Illinois Council of Area Projects are sponsoring Youth Democracy Day on May 7, 2009; and

WHEREAS, Youth Democracy Day celebrates the skills, talents, and potential of our young people and encourages them to learn about democracy and to get involved in the democratic process; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Chicago Area Project and the Illinois Council of Area Projects for sponsoring Youth Democracy Day on May 7, 2009, and encourage the youth of our State to learn about and participate in the democratic process.

HOUSE RESOLUTION 295

Offered by Representative Dunkin:

WHEREAS, Working families of Illinois lose at least \$220 million per year in unfair fees to predatory payday lenders through payday loans that are designed to trap borrowers in debt at annual interest rates in the range of 400%; and

WHEREAS, Academic research in recent years shows evidence that payday loans contribute to bankruptcy, loss of bank accounts, and credit card delinquency; and

WHEREAS, Payday lenders have purposefully modified their products to evade Illinois' consumer protections against unfair practices, specifically by lengthening their loan terms to 121 days to avoid the existing annual interest rate cap placed on payday loans; and

WHEREAS, Predatory lenders still charge upwards of 500% annual interest by using these evasions; and

WHEREAS, The current provisions of HR 1214, the Payday Loan Reform Act introduced by Representative Luis Gutierrez in the U.S. House of Representatives would not prevent such evasion of consumer protections by Illinois payday lenders; and

WHEREAS, By permitting interest rates of 391% for a typical payday loan HR 1214 would undermine state efforts to curb predatory payday lending; and

WHEREAS, HR 1214 would not address the fundamental predatory practice of making repeat, consecutive loans to borrowers who cannot afford to pay them off; and

WHEREAS, The only reform that has effectively stopped predatory payday lending in the states is a two-digit cap on annual interest rates; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we call upon the sponsors of HR 1214 to withdraw their support of the current provisions in the legislation and instead support reforms that will be effective in stopping the payday lending cycle of debt, and only support proposals that do not undermine state efforts to reform the practice; and be it further

RESOLVED, That members of Congress, with all due expedience, should enact a cap on annual interest rates of 36%, as a means of immediately stopping the flow of earnings unfairly stripped from working families to predatory lenders.

HOUSE RESOLUTION 296

Offered by Representative May:

WHEREAS, The U.S. Environmental Protection Agency and others are encouraging Americans to switch to compact fluorescent lamps ("CFLs") to save energy and reduce greenhouse gas emissions; and

WHEREAS, CFLs contain a small amount of mercury sealed within glass tubing; and

WHEREAS, Spent CFLs should be recycled rather disposed of in regular household trash to help prevent the release of mercury to the environment; and

WHEREAS, There is not a convenient and widely accessible network of facilities for the collection and recycling of CFLs at the end of their useful life; and

WHEREAS, It is difficult for households and consumers to find specific information on the mercury content of CFLs and options for recycling the spent lamps; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the U.S. Environmental Protection Agency to work with lamp manufacturers, retailers, utilities, and state and local governments to expand the opportunities to recycle spent CFLs generated by households and consumers; and be it further

RESOLVED, That the Federal Trade Commission strengthen the lamp labeling requirements for CFL packaging in a manner that will provide more detailed information about the mercury and lead content of CFLs and advise consumers to recycle spent CFLs instead of placing them in the trash; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the U.S. Environmental Protection Agency and the Federal Trade Commission.

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 297

Offered by Representative Eddy:

Congratulates the Marshall High School boys basketball team, the Lions, on an impressive season.

HOUSE RESOLUTION 298

Offered by Representative Cole:

Congratulates Mary Kaminski on the occasion of her 100th birthday.

HOUSE RESOLUTION 299

Offered by Representative Cole:

Congratulates Jim Shook on his retirement from the Round Lake Area Park District Board.

HOUSE RESOLUTION 300

Offered by Representative Chapa LaVia:

Congratulates the pastor and parishioners of Our Lady of Good Counsel Church in Aurora on the 100th anniversary of the parish.

HOUSE RESOLUTION 301

Offered by Representative Chapa LaVia:

Congratulates Lieutenant Commander Paul J. McNabb on the occasion of his retirement as Senior Naval Science Instructor of the East Aurora High School Naval Junior Reserve Officer Training Corps.

HOUSE RESOLUTION 302

Offered by Representative Cross:

Congratulates and applauds the 2008-2009 Oswego High School Panthers boys basketball team for their accomplishments during the 2008-2009 season, for their talent and teamwork displayed on the court, and for the outstanding coaching staff that led the team to the State Championship game and brought the team to a fantastic conclusion as the State runner-up in the boys Class 3A tournament.

HOUSE RESOLUTION 303

Offered by Representative Froehlich:

Congratulates Joseph Devlin on the occasion of his retirement as a Roselle Village Trustee.

HOUSE RESOLUTION 304

Offered by Representative Madigan:

Mourns the passing of William "Bill" Perkins.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 297, 298, 299, 300, 301, 302, 303 and 304 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the agreed resolutions were adopted.

**ADJOURNMENT RESOLUTION
HOUSE JOINT RESOLUTION 49**

Representative Currie offered the following resolution:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two Houses adjourn on Thursday, April 23, 2009, the House of Representatives stands adjourned until Tuesday, April 28, 2009 at 12:00 o'clock noon; and the Senate stands adjourned until Tuesday, April 28, 2009.

HOUSE JOINT RESOLUTION 49 was taken up for immediate consideration.
Representative Currie moved the adoption of the resolution.
The motion prevailed and the resolution was adopted.
Ordered that the Clerk inform the Senate and ask their concurrence.

SENATE BILLS ON SECOND READING

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 35, 51, 75, 100, 154, 187, 204, 206 and 231.

SENATE BILL 269. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Elementary & Secondary Education, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 269 by replacing line 20 on page 1 through line 7 on page 2 with the following:
"for the annual refresher course. ~~The State Board of Education shall annually request such additional appropriation as may be necessary to ensure that adequate and sufficient training is provided to all school bus drivers in Illinois. This~~".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1053, 1276, 1330 and 1333.

SENATE BILL 1341. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Vehicles & Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1341 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 16-104c as follows:
(625 ILCS 5/16-104c)

Sec. 16-104c. Court supervision fees.

(a) Any person who, ~~after a court appearance in the same matter,~~ receives a disposition of court supervision for a violation of any provision of this Code or a similar provision of a local ordinance shall pay an additional fee of ~~\$29~~ \$20, which shall be disbursed as follows:

(1) if an officer of the Department of State Police arrested the person for the violation, ~~the~~ \$20 of the \$29 fee shall be deposited into the State Police Vehicle Fund in the State

treasury; or

(2) if an officer of any law enforcement agency in the State other than the Department of State Police arrested the person for the violation, ~~the \$20 of the \$29~~ fee shall be paid to the law enforcement agency that employed the arresting officer and shall be used for the acquisition or maintenance of police vehicles; and -

(3) \$9 of the \$29 fee shall be deposited into the Drivers Education Fund.

(b) In addition to the fee provided for in subsection (a), a person who, ~~after a court appearance in the same matter,~~ receives a disposition of court supervision for any violation of this Code or a similar provision of a local ordinance shall also pay an additional fee of ~~\$6 \$5~~, if not waived by the court. Of this ~~\$6 \$5~~ fee, ~~\$5.50 \$4.50~~ shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(c) The Prisoner Review Board Vehicle and Equipment Fund is created as a special fund in the State treasury. The Prisoner Review Board shall, subject to appropriation by the General Assembly and approval by the Secretary, use all moneys in the Prisoner Review Board Vehicle and Equipment Fund for the purchase and operation of vehicles and equipment.

(Source: P.A. 94-1009, eff. 1-1-07; 95-428, eff. 8-24-07.)

Section 10. The Clerks of Courts Act is amended by changing Sections 27.5 and 27.6 as follows:

(705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

Sec. 27.5. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk that equals an amount less than \$55, except restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and except as provided in subsection (b) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 47% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 12% shall be disbursed to the State Treasurer; and 41% shall be disbursed to the county's general corporate fund. Of the 12% disbursed to the State Treasurer, 1/6 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 1/2 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall be deposited into the Drivers Education Fund. For fiscal years 1992 and 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

(1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;

(2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and

Section 26-5 of the Criminal Code of 1961; and

(3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(c) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, pay an additional fee of ~~\$29~~ ~~\$20~~, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of ~~\$29~~ ~~\$20~~, the person shall also pay a fee of ~~\$6~~ ~~\$5~~, if not waived by the court. If this ~~\$6~~ ~~\$5~~ fee is collected, ~~\$5.50~~ ~~\$4.50~~ of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(d) Any person convicted of or pleading guilty to a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, shall pay an additional fee of \$20, to be disbursed as provided in Section 16-104d of that Code.

This subsection (d) becomes inoperative 7 years after the effective date of Public Act 95-154.

(Source: P.A. 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07; 95-428, eff. 8-24-07; 95-876, eff. 8-21-08.)

(705 ILCS 105/27.6)

Sec. 27.6. (a) All fees, fines, costs, additional penalties, bail balances assessed or forfeited, and any other amount paid by a person to the circuit clerk equalling an amount of \$55 or more, except the fine imposed by Section 5-9-1.15 of the Unified Code of Corrections, the additional fee required by subsections (b) and (c), restitution under Section 5-5-6 of the Unified Code of Corrections, reimbursement for the costs of an emergency response as provided under Section 11-501 of the Illinois Vehicle Code, any fees collected for attending a traffic safety program under paragraph (c) of Supreme Court Rule 529, any fee collected on behalf of a State's Attorney under Section 4-2002 of the Counties Code or a sheriff under Section 4-5001 of the Counties Code, or any cost imposed under Section 124A-5 of the Code of Criminal Procedure of 1963, for convictions, orders of supervision, or any other disposition for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, and except as provided in subsections (d) and (g) shall be disbursed within 60 days after receipt by the circuit clerk as follows: 44.5% shall be disbursed to the entity authorized by law to receive the fine imposed in the case; 16.825% shall be disbursed to the State Treasurer; and 38.675% shall be disbursed to the county's general corporate fund. Of the 16.825% disbursed to the State Treasurer, 2/17 shall be deposited by the State Treasurer into the Violent Crime Victims Assistance Fund, 5.052/17 shall be deposited into the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall be deposited into the Drivers Education Fund, and 6.948/17 shall be deposited into the Trauma Center Fund. Of the 6.948/17 deposited into the Trauma Center Fund from the 16.825% disbursed to the State Treasurer, 50% shall be disbursed to the Department of Public Health and 50% shall be disbursed to the Department of Healthcare and Family Services. For fiscal year 1993, amounts deposited into the Violent Crime Victims Assistance Fund, the Traffic and Criminal Conviction Surcharge Fund, or the Drivers Education Fund shall not exceed 110% of the amounts deposited into those funds in fiscal year 1991. Any amount that exceeds the 110% limit shall be distributed as follows: 50% shall be disbursed to the county's general corporate fund and 50% shall be disbursed to the entity authorized by law to receive the fine imposed in the case. Not later than March 1 of each year the circuit clerk shall submit a report of the amount of funds remitted to the State Treasurer under this Section during the preceding year based upon independent verification of fines and fees. All counties shall be subject to this Section, except that counties with a population under 2,000,000 may, by ordinance, elect not to be subject to this Section. For offenses subject to this Section, judges shall impose one total sum of money payable for violations. The circuit clerk may add on no additional amounts except for amounts that are required by Sections 27.3a and 27.3c of this Act, unless those amounts are specifically waived by the judge. With respect to money collected by the circuit clerk as a result of forfeiture of bail, ex parte judgment or guilty plea pursuant to Supreme Court Rule 529, the circuit clerk shall first deduct and pay amounts required by Sections 27.3a and 27.3c of this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(b) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(b-1) In addition to any other fines and court costs assessed by the courts, any person convicted or receiving an order of supervision for driving under the influence of alcohol or drugs shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c) In addition to any other fines and court costs assessed by the courts, any person convicted for a violation of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of \$100 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Trauma Center Fund. This additional fee of \$100 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(c-1) In addition to any other fines and court costs assessed by the courts, any person sentenced for a violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community Protection Act shall pay an additional fee of \$5 to the clerk of the circuit court. This amount, less 2 1/2% that shall be used to defray administrative costs incurred by the clerk, shall be remitted by the clerk to the Treasurer within 60 days after receipt for deposit into the Spinal Cord Injury Paralysis Cure Research Trust Fund. This additional fee of \$5 shall not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing. Not later than March 1 of each year the Circuit Clerk shall submit a report of the amount of funds remitted to the State Treasurer under this subsection during the preceding calendar year.

(d) The following amounts must be remitted to the State Treasurer for deposit into the Illinois Animal Abuse Fund:

- (1) 50% of the amounts collected for felony offenses under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961;
- (2) 20% of the amounts collected for Class A and Class B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04, 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961; and
- (3) 50% of the amounts collected for Class C misdemeanors under Sections 4.01 and 7.1 of the Humane Care for Animals Act and Section 26-5 of the Criminal Code of 1961.

(e) Any person who receives a disposition of court supervision for a violation of the Illinois Vehicle Code or a similar provision of a local ordinance shall, in addition to any other fines, fees, and court costs, pay an additional fee of ~~\$29~~ ~~\$20~~, to be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. In addition to the fee of ~~\$29~~ ~~\$20~~, the person shall also pay a fee of ~~\$6~~ ~~\$5~~, if not waived by the court. If this ~~\$6~~ ~~\$5~~ fee is collected, ~~\$5.50~~ ~~\$4.50~~ of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(f) This Section does not apply to the additional child pornography fines assessed and collected under Section 5-9-1.14 of the Unified Code of Corrections.

(g) Of the amounts collected as fines under subsection (b) of Section 3-712 of the Illinois Vehicle Code, 99% shall be deposited into the Illinois Military Family Relief Fund and 1% shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court to be used to offset the costs incurred by the Circuit Court Clerk in performing the additional duties required to collect and disburse funds to entities of State and local government as provided by law.

(Source: P.A. 94-556, eff. 9-11-05; 94-1009, eff. 1-1-07; 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428, eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08.)

Section 15. The Unified Code of Corrections is amended by changing Section 5-6-1 as follows:

(730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

Sec. 5-6-1. Sentences of Probation and of Conditional Discharge and Disposition of Supervision. The General Assembly finds that in order to protect the public, the criminal justice system must compel compliance with the conditions of probation by responding to violations with swift, certain and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision.

(a) Except where specifically prohibited by other provisions of this Code, the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstance of the offense, and to the history, character and condition of the offender, the court is of the opinion that:

- (1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or
- (2) probation or conditional discharge would deprecate the seriousness of the offender's conduct and would be inconsistent with the ends of justice; or
- (3) a combination of imprisonment with concurrent or consecutive probation when an offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act is necessary for the protection of the public and for the rehabilitation of the offender.

The court shall impose as a condition of a sentence of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-6-4 of this Act.

(b) The court may impose a sentence of conditional discharge for an offense if the court is of the opinion that neither a sentence of imprisonment nor of periodic imprisonment nor of probation supervision is appropriate.

(b-1) Subsections (a) and (b) of this Section do not apply to a defendant charged with a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961 if the defendant within the past 12 months has been convicted of or pleaded guilty to a misdemeanor or felony under the Illinois Vehicle Code or reckless homicide under Section 9-3 of the Criminal Code of 1961.

(c) The court may, upon a plea of guilty or a stipulation by the defendant of the facts supporting the charge or a finding of guilt, defer further proceedings and the imposition of a sentence, and enter an order for supervision of the defendant, if the defendant is not charged with: (i) a Class A misdemeanor, as defined by the following provisions of the Criminal Code of 1961: Sections 11-9.1; 12-3.2; 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1; paragraph (1) through (5), (8), (10), and (11) of subsection (a) of Section 24-1; (ii) a Class A misdemeanor violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals Act; or (iii) a felony. If the defendant is not barred from receiving an order for supervision as provided in this subsection, the court may enter an order for supervision after considering the circumstances of the offense, and the history, character and condition of the offender, if the court is of the opinion that:

- (1) the offender is not likely to commit further crimes;
- (2) the defendant and the public would be best served if the defendant were not to receive a criminal record; and
- (3) in the best interests of justice an order of supervision is more appropriate than a sentence otherwise permitted under this Code.

(c-5) Subsections (a), (b), and (c) of this Section do not apply to a defendant charged with a second or subsequent violation of Section 6-303 of the Illinois Vehicle Code committed while his or her driver's license, permit or privileges were revoked because of a violation of Section 9-3 of the Criminal Code of 1961, relating to the offense of reckless homicide, or a similar provision of a law of another state.

(d) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance when the defendant has previously been:

- (1) convicted for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
- (2) assigned supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state; or
- (3) pleaded guilty to or stipulated to the facts supporting a charge or a finding of

guilty to a violation of Section 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance or any similar law or ordinance of another state, and the plea or stipulation was the result of a plea agreement.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(e) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 16A-3 of the Criminal Code of 1961 if said defendant has within the last 5 years been:

- (1) convicted for a violation of Section 16A-3 of the Criminal Code of 1961; or
- (2) assigned supervision for a violation of Section 16A-3 of the Criminal Code of 1961.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(f) The provisions of paragraph (c) shall not apply to a defendant charged with violating Sections 15-111, 15-112, 15-301, paragraph (b) of Section 6-104, Section 11-605, Section 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(g) Except as otherwise provided in paragraph (i) of this Section, the provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has within the last 5 years been:

- (1) convicted for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar provision of a local ordinance.

The court shall consider the statement of the prosecuting authority with regard to the standards set forth in this Section.

(h) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with violating a serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code:

- (1) unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision; or
- (2) if the defendant has previously been sentenced under the provisions of paragraph

(c) on or after January 1, 1998 for any serious traffic offense as defined in Section 1-187.001 of the Illinois Vehicle Code.

(h-1) The provisions of paragraph (c) shall not apply to a defendant under the age of 21 years charged with an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, unless the defendant, upon payment of the fines, penalties, and costs provided by law, agrees to attend and successfully complete a traffic safety program approved by the court under standards set by the Conference of Chief Circuit Judges. The accused shall be responsible for payment of any traffic safety program fees. If the accused fails to file a certificate of successful completion on or before the termination date of the supervision order, the supervision shall be summarily revoked and conviction entered. The provisions of Supreme Court Rule 402 relating to pleas of guilty do not apply in cases when a defendant enters a guilty plea under this provision.

(i) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance if the defendant has been assigned supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(j) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the revocation or suspension was for a violation of Section 11-501 or a similar provision of a local ordinance or a violation of Section 11-501.1 or paragraph (b) of Section 11-401 of the Illinois Vehicle Code if the defendant has within the last 10 years been:

- (1) convicted for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance; or
- (2) assigned supervision for a violation of Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance.

(k) The provisions of paragraph (c) shall not apply to a defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance that governs the movement of vehicles if, within the 12 months preceding the date of the defendant's arrest, the defendant has been assigned court supervision on 2 occasions for a violation that governs the movement of vehicles under the Illinois Vehicle Code or a similar provision of a local ordinance.

(l) A defendant charged with violating any provision of the Illinois Vehicle Code or a similar provision of a local ordinance who, ~~after a court appearance in the same matter,~~ receives a disposition of supervision under subsection (c) shall pay an additional fee of ~~\$29 \$20~~, to be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. In addition to the ~~\$29 \$20~~ fee, the person shall also pay a fee of ~~\$6 \$5~~, which, if not waived by the court, shall be collected as provided in Sections 27.5 and 27.6 of the Clerks of Courts Act. The ~~\$29 \$20~~ fee shall be disbursed as provided in Section 16-104c of the Illinois Vehicle Code. If the ~~\$6 \$5~~ fee is collected, ~~\$5.50 \$4.50~~ of the fee shall be deposited into the Circuit Court Clerk Operation and Administrative Fund created by the Clerk of the Circuit Court and 50 cents of the fee shall be deposited into the Prisoner Review Board Vehicle and Equipment Fund in the State treasury.

(m) Any person convicted of or pleading guilty to a serious traffic violation, as defined in Section 1-187.001 of the Illinois Vehicle Code, shall pay an additional fee of \$20, to be disbursed as provided in Section 16-104d of that Code.

This subsection (m) becomes inoperative 7 years after October 13, 2007 (the effective date of Public Act 95-154).

(n) The provisions of paragraph (c) shall not apply to any person under the age of 18 who commits an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or Section 12-603.1 of the Illinois Vehicle Code, except upon personal appearance of the defendant in court and upon the written consent of the defendant's parent or legal guardian, executed before the presiding judge. The presiding judge shall have the authority to waive this requirement upon the showing of good cause by the defendant.

(o) The provisions of paragraph (c) shall not apply to a defendant charged with violating Section 6-303 of the Illinois Vehicle Code or a similar provision of a local ordinance when the suspension was for a violation of Section 11-501.1 of the Illinois Vehicle Code and when:

(1) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code and the defendant failed to obtain a monitoring device driving permit; or

(2) at the time of the violation of Section 11-501.1 of the Illinois Vehicle Code, the defendant was a first offender pursuant to Section 11-500 of the Illinois Vehicle Code, had subsequently obtained a monitoring device driving permit, but was driving a vehicle not equipped with a breath alcohol ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code.

(Source: P.A. 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06; 94-1009, eff. 1-1-07; 95-154, eff. 10-13-07; 95-302, eff. 1-1-08; 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09; 95-428, 8-24-07; 95-876, eff. 8-21-08; revised 10-30-08.)"

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1372, 1389, 1404, 1453 and 1461.

SENATE BILL 1467. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Vehicles & Safety, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1467 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 11-601 and 11-602 as follows:

(625 ILCS 5/11-601) (from Ch. 95 1/2, par. 11-601)

Sec. 11-601. General speed restrictions.

(a) No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(b) No person may drive a vehicle upon any highway of this State at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (c), (d), (e), (f) or (g) of this Section, by Section 11-605 or by a regulation or ordinance made under this Chapter.

(c) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district for all vehicles is:

1. 30 miles per hour; and
2. 15 miles per hour in an alley.

(d) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle of the first division or a second division vehicle designed or used for the carrying of a gross weight of 8,000 pounds or less (including the weight of the vehicle and maximum load) is (1) 65 miles per hour (i) for all highways under the jurisdiction of the Illinois State Toll Highway Authority and (ii) for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions and (2) 55 miles per hour for all other highways, roads, and streets.

(e) In the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless ~~Unless~~ some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is 55 miles per hour.

(e-1) Outside the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is (1) 65 miles per hour on any interstate highway as defined by Section 1-133.1 of this Code, and (2) 55 miles per hour for all other highways, roads, and streets.

(f) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a bus is:

1. 65 miles per hour upon any highway which has at least 4 lanes of traffic and of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic, except that the maximum speed limit for a bus on all highways, roads, or streets not under the jurisdiction of the Department or the Illinois State Toll Highway Authority is 55 miles per hour; and
2. ~~55~~ 60 miles per hour on any other highway, ~~except that the maximum speed limit for a bus on all highways, roads, or streets not under the jurisdiction of the Department or the Illinois State Toll Highway Authority is 55 miles per hour.~~

(g) ~~(Blank). Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a house car, camper, private living coach, vehicles licensed as recreational vehicles, and any vehicle towing any other vehicle is 55 miles per hour or the posted speed limit, whichever is less.~~

(Source: P.A. 89-444, eff. 1-25-96; 89-551, eff. 1-1-97.)

(625 ILCS 5/11-602) (from Ch. 95 1/2, par. 11-602)

Sec. 11-602. Alteration of limits by Department. Whenever the Department determines, upon the basis of an engineering and traffic investigation concerning any highway for which the Department has maintenance responsibility, that a maximum speed limit prescribed in Section 11-601 of this Chapter is greater or less than is reasonable or safe with respect to the conditions found to exist at any intersection or other place on such highway or along any part or zone thereof, the Department shall determine and declare a reasonable and safe absolute maximum speed limit applicable to such intersection or place, or along such part or zone. However, such limit shall not exceed 65 miles per hour, ~~or 55 miles per hour for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load),~~ on a highway or street which is especially designed for through

traffic and to, from, or over which owners of or persons having an interest in abutting property or other persons have no right or easement, or only a limited right or easement, of access, crossing, light, air, or view, and shall not exceed 55 miles per hour on any other highway. Where a highway under the Department's jurisdiction is contiguous to school property, the Department may, at the school district's request, set a reduced maximum speed limit for student safety purposes in the portion of the highway that faces the school property and in the portions of the highway that extend one-quarter mile in each direction from the opposite ends of the school property. A limit determined and declared as provided in this Section becomes effective, and suspends the applicability of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at such intersection or other place, or along such part or zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(Source: P.A. 93-624, eff. 12-19-03.)

Section 99. Effective date. This Act takes effect January 1, 2010."

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1472, 1487, 1507, 1541, 1590 and 1592.

Having been reproduced, the following bill was taken up, read by title a second time and held on the order of Second Reading: SENATE BILL 1624.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1628, 1632 and 1736.

SENATE BILL 1737. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on State Government Administration, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 1737 on page 2, in line 4, by replacing "or mental disability" with "developmental, or mental disability or a combination of any of those disabilities".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 1828 and 1883.

SENATE BILL 212. Having been reproduced, was taken up and read by title a second time.

The following amendment was offered in the Committee on Human Services, adopted and reproduced:

AMENDMENT NO. 1. Amend Senate Bill 212 by replacing everything after the enacting clause with the following:

"Section 5. The Medical Practice Act of 1987 is amended by adding Section 64 as follows:
(225 ILCS 60/64 new)

Sec. 64. Sexually Transmissible Disease Control Act. No licensee under this Act may be disciplined for providing expedited partner therapy in accordance with the provisions of the Illinois Sexually Transmissible Disease Control Act.

Section 10. The Nurse Practice Act is amended by adding Section 70-170 as follows:

(225 ILCS 65/70-170 new)

Sec. 70-170. Sexually Transmissible Disease Control Act. No licensee under this Act may be disciplined for providing expedited partner therapy in accordance with the provisions of the Illinois Sexually Transmissible Disease Control Act.

Section 15. The Physician Assistant Practice Act of 1987 is amended by adding Section 25 as follows:

(225 ILCS 95/25 new)

Sec. 25. Sexually Transmissible Disease Control Act. No licensee under this Act may be disciplined for providing expedited partner therapy in accordance with the provisions of the Illinois Sexually Transmissible Disease Control Act.

Section 20. The Illinois Sexually Transmissible Disease Control Act is amended by changing Sections 3 and 6 as follows:

(410 ILCS 325/3) (from Ch. 111 1/2, par. 7403)

Sec. 3. Definitions. As used in this Act, unless the context clearly requires otherwise:

(1) "Department" means the Department of Public Health.

(2) "Local health authority" means the full-time official health department or board of health, as recognized by the Department, having jurisdiction over a particular area.

(3) "Sexually transmissible disease" means a bacterial, viral, fungal or parasitic disease, determined by rule of the Department to be sexually transmissible, to be a threat to the public health and welfare, and to be a disease for which a legitimate public interest will be served by providing for regulation and treatment. In considering which diseases are to be designated sexually transmissible diseases, the Department shall consider such diseases as chancroid, gonorrhea, granuloma inguinale, lymphogranuloma venereum, genital herpes simplex, chlamydia, nongonococcal urethritis (NGU), pelvic inflammatory disease (PID)/Acute Salpingitis, syphilis, Acquired Immunodeficiency Syndrome (AIDS), and Human Immunodeficiency Virus (HIV) for designation, and shall consider the recommendations and classifications of the Centers for Disease Control and other nationally recognized medical authorities. Not all diseases that are sexually transmissible need be designated for purposes of this Act.

(4) "Health care professional" means a physician licensed to practice medicine in all its branches, a physician assistant who has been delegated the provision of sexually transmissible disease therapy services or expedited partner therapy services by his or her supervising physician, or an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of sexually transmissible disease therapy services or expedited partner therapy services, or an advanced practice nurse who practices in a hospital or ambulatory surgical treatment center and possesses appropriate clinical privileges in accordance with the Nurse Practice Act.

(5) "Expedited partner therapy" means to prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to the partner or partners of persons clinically diagnosed as infected with a sexually transmissible disease, without physical examination of the partner or partners.

(Source: P.A. 85-1209.)

(410 ILCS 325/6) (from Ch. 111 1/2, par. 7406)

Sec. 6. Physical examination and treatment.

(a) Subject to the provisions of subsection (c) of this Section, the Department and its authorized representatives may examine or cause to be examined persons reasonably believed to be infected with or to have been exposed to a sexually transmissible disease.

(b) Subject to the provisions of subsection (c) of this Section, persons with a sexually transmissible disease shall report for complete treatment to a physician licensed under the provisions of the Medical Practice Act of 1987, or shall submit to treatment at a facility provided by a local health authority or other public facility, as the Department shall require by rule or regulation until the disease is noncommunicable or the Department determines that the person does not present a real and present danger to the public health. This subsection (b) shall not be construed to require the Department or local health authorities to pay for or provide such treatment.

(c) No person shall be apprehended, examined or treated for a sexually transmissible disease against his will, under the provisions of this Act, except upon the presentation of a warrant duly authorized by a court of competent jurisdiction. In requesting the issuance of such a warrant the Department shall show by a preponderance of evidence that the person is infectious and that a real and present danger to the public

health and welfare exists unless such warrant is issued and shall show that all other reasonable means of obtaining compliance have been exhausted and that no other less restrictive alternative is available. The court shall require any proceedings authorized by this subsection (c) to be conducted in camera. A record shall be made of such proceedings but shall be sealed, impounded and preserved in the records of the court, to be made available to the reviewing court in the event of an appeal.

(d) Any person who knowingly or maliciously disseminates any false information or report concerning the existence of any sexually transmissible disease under this Section is guilty of a Class A misdemeanor.

(e) Taking into account the recommendations of the U.S. Centers for Disease Control and Prevention and other nationally recognized medical authorities, the Department shall provide information and technical assistance as appropriate to health care professionals who provide expedited partner therapy services for persons with sexually transmissible diseases.

(1) Notwithstanding any other provision of law, a health care professional who makes a clinical diagnosis of chlamydia or gonorrhea may prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to the infected person's sexual partner or partners for the treatment of the sexually transmissible disease without physical examination of the partner or partners, if in the judgment of the health care professional the partner is unlikely or unable to present for comprehensive healthcare, including evaluation, testing, and treatment for sexually transmissible diseases. Expedited partner therapy shall be limited to partners who may have been exposed to a sexually transmissible disease within the previous 60 days, if the patient is able to contact the partner.

(2) Health care professionals who provide expedited partner therapy shall comply with Sections 4 and 5 of the Illinois Sexually Transmissible Disease Control Act.

(3) Health care professionals who provide expedited partner therapy shall provide counseling for the patient and written materials provided by the Department to be given by the patient to the partner or partners that include at a minimum the following:

(A) a warning that a woman who is pregnant or might be pregnant must not take certain antibiotics and must immediately contact a health care professional for an examination, and a recommendation for such an examination;

(B) information about the antibiotic and dosage provided or prescribed; clear and explicit allergy and side effect warnings, including a warning that a partner who has a history of allergy to the antibiotic or the pharmaceutical class of antibiotic must not take the antibiotic and must be immediately examined by a health care professional, and a recommendation for such an examination;

(C) information about the treatment and prevention of sexually transmissible diseases;

(D) the requirement of abstinence until a period of time after treatment to prevent infecting others;

(E) notification of the importance of the partner or partners of the patient to receive examination and testing for HIV and other sexually transmissible diseases, and available resources;

(F) notification of the risk to self, others, and the public health if the sexually transmissible disease is not completely and successfully treated;

(G) the responsibility of the partner or partners to inform his or her sex partner or partners of the risk of sexually transmissible disease and the importance of prompt examination and treatment; and

(H) other information as deemed necessary by the Department.

(4) The Department shall develop and disseminate in electronic and other formats the following written materials:

(A) informational materials for partners, as required in item (3) of this subsection (e);

(B) informational materials for persons who are repeatedly diagnosed with sexually transmissible diseases; and

(C) guidance for health care professionals on the safe and effective provision of expedited partner therapy.

The Department may offer educational programs about expedited partner therapy for health care professionals and pharmacists licensed under the Pharmacy Practice Act.

(5) A health care professional prescribing, dispensing, furnishing, or otherwise providing in good faith without fee or compensation prescription antibiotics to partners under this subsection (e) and providing counseling and written materials as required by item (3) of this subsection (e) shall not be subject to civil or professional liability, except for willful and wanton misconduct. A health care professional shall not be subject to civil or professional liability for choosing not to provide expedited partner therapy.

(6) A pharmacist or pharmacy shall not be subject to civil or professional liability for choosing not to fill a prescription that would cause the pharmacist or pharmacy to violate any provision of the Pharmacy Practice Act, including the definition of "prescription" set forth in subsection (e) of Section 3 of the

Pharmacy Practice Act or the definition of "drug regimen review" set forth in subsection (y) of Section 3 of the Pharmacy Practice Act.

(Source: P.A. 90-14, eff. 7-1-97.)".

There being no further amendment(s), the bill, as amended, was advanced to the order of Third Reading.

Having been reproduced, the following bills were taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILLS 40, 223, 325, 1269, 1393, 1412, 1538, 1612, 1675 and 1897.

SUSPEND POSTING REQUIREMENTS

Pursuant to Rule 25, Representative Smith moved to suspend the posting requirements of Rule 21 in relation to HOUSE RESOLUTION 219 to be heard in Labor Committee.

The motion prevailed.

At the hour of 12:44 o'clock p.m., Representative Currie moved that the House do now adjourn, allowing perfunctory time for the Clerk.

The motion prevailed.

And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 49, the House stood adjourned until Tuesday, April 28, 2009, at 12:00 o'clock noon.

STATE OF ILLINOIS
NINETY-SIXTH
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

April 23, 2009

0 YEAS

0 NAYS

112 PRESENT

P Acevedo	P Davis, Monique	P Jefferson	P Reis
P Arroyo	P Davis, William	P Joyce	P Reitz
P Bassi	P DeLuca	P Kosel	P Riley
P Beaubien	E Dugan	P Lang	P Rita
P Beiser	P Dunkin	P Leitch	P Rose
P Bellock	P Durkin	P Lyons	P Ryg
P Berrios	P Eddy	P Mathias	P Sacia
P Biggins	P Farnham	P Mautino	P Saviano
P Black	P Feigenholtz	P May	P Schmitz
P Boland	P Flider	P McAsey	P Senger
P Bost	P Flowers	P McAuliffe	P Smith
P Bradley	P Ford	P McCarthy	P Sommer
P Brady	P Fortner	P McGuire	P Soto
P Brauer	P Franks	P Mell	P Stephens
P Brosnahan	P Fritchey	P Mendoza	P Sullivan
P Burke	P Froehlich	P Miller	P Thapedi
P Burns	P Golar	P Mitchell, Bill	P Tracy
P Cavaletto	E Gordon, Careen	P Mitchell, Jerry	P Tryon
P Chapa LaVia	P Gordon, Jehan	P Moffitt	P Turner
P Coladipietro	P Graham	E Mulligan	P Verschoore
P Cole	P Hamos	P Myers	P Wait
E Collins	P Hannig	P Nekritz	P Walker
P Colvin	E Harris	P Osmond	P Washington
P Connelly	P Hatcher	E Osterman	P Watson
P Coulson	P Hernandez	P Phelps	P Winters
P Crespo	P Hoffman	P Pihos	P Yarbrough
P Cross	P Holbrook	P Poe	P Zalewski
P Cultra	P Howard	P Pritchard	P Mr. Speaker
P Currie	P Jackson	P Ramey	
P D'Amico	P Jakobsson	P Reboletti	

E - Denotes Excused Absence

44TH LEGISLATIVE DAY

Perfunctory Session

THURSDAY, APRIL 23, 2009

At the hour of 3:26 o'clock p.m., the House convened perfunctory session.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered reproduced and placed in the Committee on Rules:

HOUSE BILL 4439. Introduced by Representatives Senger - Cavaletto - Connelly - Reis - Reboletti, AN ACT concerning public employee benefits.

HOUSE BILL 4440. Introduced by Representatives Senger - Cavaletto - Connelly - Reis - Reboletti, AN ACT concerning public employee benefits.

HOUSE BILL 4441. Introduced by Representatives Senger - Cavaletto - Connelly - Reis - Reboletti, AN ACT concerning public employee benefits.

HOUSE BILL 4442. Introduced by Representatives Mathias - Senger - Cole - Biggins - Connelly, Cavaletto, Sullivan, Bost, Coulson, Pihos, Hatcher, Reboletti and Kosel, AN ACT concerning revenue.

HOUSE BILL 4443. Introduced by Representatives Cavaletto - Hatcher - Senger - Reboletti - Pihos, Mathias, Sullivan, Cole, Bost, Coulson, Fortner, Connelly, Biggins and Kosel, AN ACT concerning revenue.

SENATE BILLS ON FIRST READING

Having been reproduced, the following bills were taken up, read by title a first time and placed in the Committee on Rules: SENATE BILLS 149 (Pihos), 590 (Smith), 1716 (Fritchey), 1975 (Bradley) and 2009 (Rose).

At the hour of 3:27 o'clock p.m., the House Perfunctory Session adjourned.